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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/423,378	01/28/2000	MARC L. KOZAM	0106-0001	6669

7590 01/07/2002

SHANKS & HERBERT  
TRANSPORTOMAC PLAZA  
1033 NORTH FAIRFAX STREET  
SUITE 306  
ALEXANDRIA, VA 22314

EXAMINER

CHOULES, JACK M

ART UNIT	PAPER NUMBER
2177	#13

DATE MAILED: 01/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

1A-G

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/423,378	KOZAM ET AL.	
	Examiner Jack M Choules	Art Unit 2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 05 December 2001.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-29 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) Notice of References Cited (PTO-892)      18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)      19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      20) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-29 are presented for examination.

### *Continued Prosecution Application*

2. The request filed on December 5, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/423,379 is acceptable and a CPA has been established. An action on the CPA follows.

### *Response to Arguments*

3. No arguments or amendments were submitted with the CPA. Previous arguments filed on March 19, 2001 were responded to in the final rejection action mailed June 5, 2001. A review of the file showed no arguments or amendment filed in response to said final rejection.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al., US Patent No. 3,578,433.
7. As to claim 25, Lee disclosed the invention substantially as claimed including a data processing system [DP] comprising “centralized collection of geographically distributed information” (col. 1, lines 41-65).
8. Lee does not detail clinical trial data management. Lee describes a system, which includes data management for receiving orders. Clinical trial data management is known in the art.
9. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant’s invention to modify Lee to provide clinical trial data management system improving the versatility Lee by allowing it to be used in other areas by modifying the data it handles in the DP system
10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, JR., US Patent No. 4,868,866.
11. As to claim 25, Williams disclosed the invention substantially as claimed including a data processing system [DP] comprising “centralized collection of geographically distributed information” (col. 2, lines 41-50).

12. Williams does not detail clinical trial data management. Williams describes a system, which includes data management for general areas including finance. Clinical trial data management is known in the art.

13. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to modify Williams to provide clinical trial data management system improving the versatility Williams by allowing it to be used in other areas by modifying the data it handles in the DP system

14. Claims 1-24 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over JetForm in "JetForm(R) Announces First Java™-Based Electronic Forms Solution" in view of Williams, Jr. [hereafter Williams] US Patent No. 4,868,866.

15. As to claims 23-24, JetForm describes a system comprising, "a remote site computer" (page 1, first through fourth full paragraphs) "a transmission medium" (page 1, first full paragraph not the Web includes a transmission medium) and generally "a central computer" (page 1, fifth full paragraph and page 2, second through fourth full paragraphs).

16. JetForm does not describe the details of the database such as "a second data verification module". Williams does detail a central database containing "a second data verification module" (col. 3, lines 50-61).

17. It would be obvious to one of ordinary skill in the art at the time of the invention to provide the further checking of Williams as a checking of the data in relation to data already occurring in the database could be preformed which could not at the remote site computer.

18. As to claims 1-22 and 26-29, these claims basically recite the limitations of claims 23-24 with further limitations as follows: correction by the user is allowed after verification would at least be obvious as it is the simplest and most sure method of ensuring the date is properly corrected and the point of verifying is to have correct data, the internet and world wide web is anticipated by JetForm as above sited by the term web, Java is also anticipated in the above quoted cites of JetForm, filtering is a general form of verifying that is well known in the art and would be obvious because of its simple implementation and proven utility.

19. Note: the art cited in this rejection was provided by applicant in the information disclosure statement filed February 4, 2000.

### *Conclusion*

20. This is a CPA of applicant's earlier Application No. 09/423,378. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE** MONTHS from the mailing date of this action. In the event a first reply is filed within **TWO** MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-8449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Jack M Choules  
Primary Examiner  
Art Unit 2177

JMC

January 4, 2002